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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,232	10/25/2000	Toru Nagai	1776/00055	2896

7590

04/22/2004

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EXAMINER

SPERTY, ARDEN B

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/695,232	Applicant(s) NAGAI ET AL.	
	Examiner Arden B. Sperty	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 10/22/03, IDS 11/18/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-14,16,17,19,20,22-37 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-14,16,17,19,20,22-37 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/03, 11/18/03</u> | 6) <input type="checkbox"/> Other: _____ |

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NON-FINAL OFFICE ACTION

Claims 1-8, 10-14, 16, 17, 19, 20, 22-37 and 39-42 are pending.

Specification

A substitute copy of the claims is required pursuant to 37 CFR 1.125(a) due to the numerous amendments that have been made to the claims. A clean copy of all pending claims is required to prevent printing errors.

Claim Objections

Claim 24 is objected to because of the following informalities: line 15 reads "...y and B'," but "and" should be replaced by "of". Appropriate correction is required.

Claim 26 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of previous claim 24. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-14, 16-17, 19, 20, 22-37 and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0732139 A2.

The reference teaches mixed conducting oxides used in oxygen separators. The compositions of the claims are taught at page 4, lines 4-24. The structures of the claims are further taught by the reference (all of page 4). The porosity of the porous support (porous body portion) is inherent.

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Claims 1-8, 10-14, 16-17, 19, 20, 22-37 and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0592809 A1.

The reference teaches mixed conducting oxides used in oxygen separators. The compositions of the claims are taught at page 3, lines 43-51. The structures of the claims are further taught by the reference (all of page 3). The porosity of the porous support (porous body portion) is inherent.

Claims 1-8, 10-14, 20, 22-27, 29-37 and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/48717.

The reference teaches mixed conducting oxides used in oxygen separators. The compositions of the claims are taught at page 4. The structures of the claims are further taught by the reference on page 4 and throughout the reference. The porosity of the porous support (porous body portion) is inherent.

Claims 1-8, 17, 23, 25, 35-37 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,439,706 to Richards et al.

The reference teaches mixed conducting oxides used in oxygen separators. The compositions of the claims are taught at column 3. The structures of the claims are further taught by the reference in columns 3-5 and throughout the reference. The porosity of the porous support (porous body portion) is inherent.

Conclusion

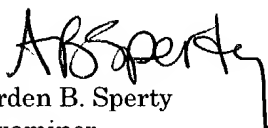
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,922,178.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arden B. Sperty whose telephone number is (571)272-1543. The examiner can normally be reached on M-Th, 08:00-16:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571)272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arden B. Sperty
Examiner
Art Unit 1771

07 April 04



ARCHENETURNER
PRIMARY EXAMINER